

189.390 Speed -- Parking.

- (1) As used in this section, unless the context requires otherwise:
 - (a) "Business district" means the territory contiguous to and including a highway if, within six hundred (600) feet along the highway, there are buildings in use for business or industrial purposes that occupy three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;
 - (b) "Residential district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is improved with residences or residences and buildings in use for business; and
 - (c) "State highway" means a highway or street maintained by the Kentucky Department of Highways.
- (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.
- (3) If conditions exist that require lower speed for compliance with subsection (2) of this section, the speed of any vehicle in excess of the limits specified in this section shall be unlawful:
 - (a) For vehicles other than motor vehicles of five (5) horsepower or less, thirty-five (35) miles per hour in any business or residential district, except as provided in subsection (5) of this section, and fifty-five (55) miles per hour in other locations, except where the speed limit has been posted at sixty-five (65) miles per hour;
 - (b) For motor vehicles of five (5) horsepower or less, thirty-five (35) miles per hour in any location except as provided in subsection (5) of this section;
 - (c) Vehicles using off-street parking facilities offered for public use whether publicly or privately owned, fifteen (15) miles per hour.
- (4)
 - (a) If the secretary of transportation determines, upon the basis of an engineering and traffic investigation, that any speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of fifty-five (55) miles per hour.
 - (b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and where posted. The Transportation Cabinet shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this paragraph shall be construed to prevent the Transportation Cabinet from using moveable or portable speed limit signs in highway work zones.

- (5) (a) A city or a county may by ordinance establish speed limits within its own jurisdiction, except as provided in paragraph (b) of this subsection.
 - (b) The alteration of speed limits on state highways within a city or a county shall not be effective until the alteration has been approved by the secretary of transportation. The secretary shall not approve any alteration that could increase any speed limit established by subsection (3) of this section in excess of fifty-five (55) miles per hour.
 - (c) If a county determines, upon the basis of an engineering and traffic investigation and study, that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one (1) motor vehicle is permitted to park in such district so as to reduce the congestion, the fiscal court may by ordinance establish "no parking" areas on the highway, or limit the length of time any motor vehicle may be parked in any business district.
 - (d) Notwithstanding the other limitations in this subsection, the secretary of transportation may establish, by official order, reasonable and safe speed limits on interstate highways and divided highways with four (4) or more lanes and fully controlled access, a speed limit not to exceed sixty-five (65) miles per hour.
- (6) A person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.
 - (7) In every charge for a violation of any speed limit specified in this section, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, and the lawful speed limit applicable at the location where the violation is charged to have occurred.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 130, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 37, sec. 4, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 143, sec. 1, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 177, sec. 1, effective July 15, 1988. -- Amended 1978 Ky. Acts ch. 230, sec. 1, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 46, sec. 2; and ch. 74, Art. IV, sec. 20(10). -- Amended 1970 Ky. Acts ch. 93, sec. 10. -- Amended 1966 Ky. Acts ch. 18, sec. 4. -- Amended 1964 Ky. Acts ch. 13, sec. 1. -- Amended 1962 Ky. Acts ch. 150, sec. 1. -- Amended 1954 Ky. Acts ch. 143, sec. 1. -- Amended 1950 Ky. Acts ch. 97, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739g-43, 2739g-86.

Legislative Research Commission Note. This section was also amended in the reviser's bill, Acts 1978, ch. 384, sec. 336, however, Acts 1978, ch. 230, HB 211, sec. 1 prevailed. See KRS 7.136(3).